



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable E. R. Wright,
Superintendent,
Texas School for the Deaf
Austin, Texas

Dear Mr. Wright:

Opinion No. O-5175-A

Re: Reconsideration of Opinion
No. O-5175, regarding pay
for printing instructor for
Texas School for the Deaf.

You request a reconsideration of Opinion No. O-5175, wherein we advised that printing instructor could not be paid compensation in excess of \$145.00 per month, under Senate Bill 402, Acts of the 47th Legislature (General and Special Laws of Texas, 1941, p. 972, Item 37).

You state, "We are now paying our printing instructor \$155.00 which is the maximum provided for teachers in this school. We have only two teachers employed under this provision of the law."

The provision to which you refer is the last provision in Item 37 of the appropriation above referred to, which Item in full is as follows:

"Teachers; baking instructor, \$113.33 per month; instructor of cosmetology, with board, \$85.00 per month; other instructors not to exceed \$145.00 per month; vocational agriculture teacher not to exceed \$175.00 per month including Federal Grant on 12 months basis; provided three teachers may be paid not exceeding \$155.00 per month----\$68,485.00"

The information given us in your last inquiry, requesting a reconsideration, with respect to paying the printing instructor \$155.00 under the last provision in Item 37, above quoted, was not contained in your first inquiry, and we have accordingly reconsidered the entire matter.

Honorable E. R. Wright - page 2

We are still of the opinion, however, that our advice in Opinion No. 0-5175 is correct.

You will notice Item 37, appropriating a total of \$68,485.00, covers two classes of employees, to-wit, teachers and instructors. Teachers as a class are subdivided specifically as vocational agricultural teacher, not to exceed \$175.00, provided three teachers may be paid not exceeding \$155.00 per month.

Instructors, as a class, are specifically subdivided as follows:

"Baking instructor, \$115.33 per month, instructor of cosmetology, with board, \$85.00 per month; other instructors not to exceed \$145.00 per month."

In both of your inquiries you have referred to the compensation of the practical printer-instructor, and indeed the statute itself (Article 3205) specifically declares:

"The Board shall employ a competent practical printer as instructor at said asylum in the art of printing."

The Legislature has thus specifically classified the employees under this Item as instructors and teachers, and has, with equal specifioness, limited the amount of compensation to be paid to them as such.

We trust this further explanation will be satisfactory.

Very truly yours

APPROVED APR 22, 1943
Grover Sellers
FIRST ASSISTANT
ATTORNEY GENERAL

ATTORNEY GENERAL OF TEXAS

By /s/

Ocie Speer
Assistant

OS-MR

APPROVED OPINION COMMITTEE
BY BWB CHAIRMAN

OS:mw